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ⓐ Bell Atlantic

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June 12, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street NW - Room 222
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

Re: **Ex Parte**
CC Docket No. 96-152, Implementation of the
Telecommunications Act of 1996: Telemessaging,
Electronic Publishing, and Alarm Monitoring Services;
Further Notice of Proposed Rulemaking

Dear Mr. Caton:

On June 12, 1997 Fred Cooke, Larry Katz, Barry McDonald and the undersigned representing Bell Atlantic met with Jonady Hom, Lisa Sockett and Gayle Teicher of the Federal Communications Commission, Policy and Program Planning Division regarding the above referenced docket. A copy of the handout used to guide the discussion is attached.

The discussion reflected the positions that Bell Atlantic had provided in their written comments already on the record. An original and a copy of this Ex Parte is being filed in the office of the Secretary on June 12, 1997.

Please include it in the public record of this proceeding.

Respectfully submitted,


Gerald Asch

Attachment

cc: Ms. Hom
Ms. Sockett
Ms. Teicher

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CC DOCKET NO. 96-152

- 1st R&O properly interpreted § 274 structural separation provisions
 - Limited to nine specified requirements
 - AT&T's PFR represents misreading of Act and is inconsistent with public policy
- Financial interest in content requires more than de minimis equity interest
- Control requires ability to make decisions regarding subject matter contained in databases
- Electronic publishing contains 2-prong test (1st R&O, ¶ 56):
 - BOC has financial interest or control over content
 - BOC dissemination into the Internet (not to end users) via the BOC's or its affiliate's basic telephone service
- BOC service must meet both prongs of test to be electronic publishing under § 274
 - If a BOC does not disseminate the content to the Internet via its basic telephone service, financial interest or control in content does not constitute electronic publishing
 - Conversely, BOC dissemination into Internet over BOC's service alone insufficient if no control or financial interest

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